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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,)	
)	Case No.: CR-16-6-GF-BMM
Plaintiff,)	
)	
vs.)	DEFENDANT'S
)	SUPPLEMENTAL PROPOSED
)	JURY INSTRUCTIONS
)	(working copy)
JONATHAN JAY EAGLEMAN,)	
)	
Defendant.)	
_____)	

Jonathan Jay Eagleman by and through his counsel, Terryl T. Matt, offers the following supplemental proposed jury instructions. The undersigned did not have an opportunity to speak with the government before their instructions were submitted. The Defendant agrees with the government's proposed jury instruction and enters the following supplement jury instructions.

Dated this 18th day of July 2016.

/s/ Terryl T. Matt
Terryl T. Matt

INSTRUCTION NO.

Dustin White as a witness for the government, gave two statements that are both recorded, one on February 27, 2013 and one on May 20, 2015. These statements are not consistent, and are relevant to what he says occurred in August and September of 2012. You may consider this evidence in deciding whether or not to believe this witness and how much weight to give to the testimony of this witness.

“Impeachment Evidence - Witness,” Section 4.8, Manual of Criminal Jury Instructions for the Ninth Circuit (2010 Edition).

DEFENDANT’S PROPOSED JURY INSTRUCTION NO. 34

INSTRUCTION NO. _____

“Willfully” means that the defendant committed the act voluntarily and purposely, and with knowledge that his conduct was, in a general sense, unlawful. That is, the defendant must have acted with a bad purpose to disobey or disregard the law. The government need not prove that the defendant was aware of the specific provision of the law that he is charged with violating or any other specific provision.

“Willfully,” *Bryan v. United States*, 524 U.S. 184, 192 (1998); Section 5.5, Manual of Criminal Jury Instructions for the Ninth Circuit (2010 Edition).

DEFENDANT’S PROPOSED JURY INSTRUCTION NO. 35

INSTRUCTION NO. _____

All nontransient noncommunist and public water systems must meet minimum standards for certification (and recertification) of the operators of for the systems. Such guidelines shall take into account existing State programs, the complexity of the system, and other factors aimed at providing an effective program at reasonable cost to States and public water systems, taking into account the size of the system.

“Operator Certification,” Section 1419, The Safe Drinking Water Act as Amended by The Safe Drinking Water Act of 1996.

INSTRUCTION NO. _____

The requirements of the national primary drinking water regulations require every community water systems (CWSs) and nontransient, noncommunity water systems (NTNCWSs) to be operated by qualified personnel who meet the requirements specified by the State and are included in a State register of qualified operators.

“General Requirements,” Section 141.130 (a)(1)(c), National Primary Drinking Water Regulations, SUBPART L — Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors, Code of Federal Regulations.

DEFENDANT’S PROPOSED JURY INSTRUCTION NO. 37

INSTRUCTION NO. _____

(a) Except where a shorter period is specified in this part, the supplier of water shall report to the State the results of any test measurement or analysis required by this part within (1) The first ten days following the month in which the result is received, or (2) the first ten days following the end of the required monitoring period as stipulated by the State, whichever of these is shortest.

(b) Except where a different reporting period is specified in this part, the supplier of water must report to the State within 48 hours the failure to comply with any national primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this part.

(c) The supplier of water is not required to report analytical results to the State in cases where a State laboratory performs the analysis and reports the results to the State office which would normally receive such notification from the supplier.

(d) The public water system, within 10 days of completing the public notification requirements under subpart Q of this part for the initial public notice and any repeat notices, must submit to the primacy agency a certification that it has fully complied with the public notification

regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

(e) The water supply system shall submit to the State within the time stated in the request copies of any records required to be maintained under § 141.33 hereof or copies of any documents then in existence which the State or the Administrator is entitled to inspect pursuant to the authority of section 1445 of the Safe Drinking Water Act or the equivalent provisions of State law.

“Reporting Requirements,” Section 141.31, Subpart D-Reporting and Recordkeeping, Environmental Protection Agency, Code of Federal Regulations.

DEFENDANT’S PROPOSED JURY INSTRUCTION NO. 38

INSTRUCTION NO. _____

Each public water system using a surface water source or a ground water source under the direct influence of surface water must be operated by qualified personnel who meet the requirements specified by the State.

“General Requirements,” Section 141.70 (c), National Drinking Water Regulations, Subpart H-General Requirements, Code of Federal Regulations.

DEFENDANT’S PROPOSED JURY INSTRUCTION NO. 39

INSTRUCTION NO. _____

A supplier of water is any person who owns or operates a public water system.

Section 1401(5) of the Safe Drinking Water Act, 42 U.S.C. § 300f(5), and the national interim primary drinking water regulations, 40 C.F.R. 141.2(i)

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 40